

**Issued by the  
UNITED STATES DISTRICT COURT**

**DISTRICT OF**

**DELAWARE**

TERRY L. SNYDER,

**V.**

**SUBPOENA IN A CIVIL CASE**

CASE NUMBER:<sup>1</sup> 04-970-JJF

CITISTEEL USA, INC.

**TO: Records Custodian  
Bank One  
2740 Airport  
Columbus, OH 43271**

☐ YOU ARE COMMANDED to appear in the United States District Court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY

COURTROOM

DATE AND TIME

☐ YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION

DATE AND TIME

☒ YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects): **Any and all records referring or relating to Terry L. Snyder a/k/a Terri L. Snyder (SSN: 222-56-3260; DOB: 12/20/68), including but not limited to, correspondence, employment applications, resumes, employment records, performance evaluations, personnel file, disability file, medical records file, benefits file, pension records, disciplinary warnings, termination records, termination agreements, severance pay records, payment and salary records, and tax records.**

PLACE

**Young, Conaway, Stargatt & Taylor, LLP, 1000 West Street, 17th Floor, P.O. Box 391,  
Wilmington, DE 19899-1031**

DATE AND TIME

**September 3, 2006  
at 9:00 a.m.<sup>1</sup>**

☐ YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.

PREMISES

DATE AND TIME

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure. 30(b)(6).

ISSUING OFFICER SIGNATURE AND TITLE (INDICATE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT)

DATE



Attorney for Defendant

August 22, 2006

ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER

Margaret M. DiBianca, Esquire, Young Conaway Stargatt & Taylor, LLP, The Brandywine Building, 17<sup>th</sup> Floor, P.O. Box 391, Wilmington, DE 19899-1031, 302-571-5008

(See Rule 45, Federal Rules of Civil Procedure, Parts C & D on Reverse)

<sup>1</sup> Personal appearance is waived if documents are produced by specified date.

**PROOF OF SERVICE**

DATE

PLACE

SERVED

SERVED ON (PRINT NAME)

MANNER OF SERVICE

SERVED BY (PRINT NAME)

TITLE

**DECLARATION OF SERVER**

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on \_\_\_\_\_

ATE

SIGNATURE OF SERVER

ADDRESS OF SERVER

**Rule 45, Federal Rules of Civil Procedure, Parts C & D:****(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.**

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

(2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3)(A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

(i) fails to allow reasonable time for compliance;

(ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where

that person resides, is employed or regularly transacts business person, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or

(iv) subjects a person to undue burden.

(B) If a subpoena

(i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or

(ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

(iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) DUTIES IN RESPONDING TO SUBPOENA.

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

**Affidavit of Process Server**

UNITED STATES DISTRICT COURT / DISTRICT OF DELAWARE  
 (NAME OF COURT)  
TERRY L. SNYDER VS CITISTEEL USA INC. 04-970-JJF  
 PLAINTIFF/PETITIONER DEFENDANT/RESPONDENT CASE NUMBER

I DAPHNE HENDERSON being first duly sworn, depose and say: that I am over the age of 18 years and not a party to this action, and that within the boundaries of the state where service was effected, I was authorized by law to perform said service.

Service: I served SCOTT BUSSEN / RECORDS CUSTODIAN BANK ONE / CHASE  
 NAME OF PERSON / ENTITY BEING SERVED

with (list documents) SUBPOENA  
 by leaving with \_\_\_\_\_ At \_\_\_\_\_  
 NAME RELATIONSHIP

☐ Residence \_\_\_\_\_ ADDRESS CITY / STATE  
☐ Business \_\_\_\_\_ ADDRESS CITY / STATE

On 8/29/06 AT 2:10 PM EDST  
 DATE TIME

Thereafter copies of the documents were mailed by prepaid, first class mail on 8/29/06  
 from HILLMAN OHIO 43026 DATE  
 CITY STATE ZIP

**Manner of Service:**

- ☒ **Personal:** By personally delivering copies to the person being served.  
☐ **Substituted at Residence:** By leaving copies at the dwelling house or usual place of abode of the person being served with a member of the household over the age of \_\_\_\_\_ and explaining the general nature of the papers.  
☐ **Substituted at Business:** By leaving, during office hours, copies at the office of the person/entity being served with the person apparently in charge thereof.  
☐ **Posting:** By posting copies in a conspicuous manner to the front door of the person/entity being served.

**Non-Service:** After due search, careful inquiry and diligent attempts at the address(es) listed above, I have been unable to effect process upon the person/entity being served because of the following reason(s):

- ☐ Unknown at Address ☐ Moved, Left no Forwarding ☐ Service Cancelled by Litigant ☐ Unable to Serve in Timely Fashion  
☐ Address Does Not Exist ☐ Other \_\_\_\_\_

**Service Attempts:** Service was attempted on: (1) \_\_\_\_\_ (2) \_\_\_\_\_  
 DATE TIME DATE TIME  
 (3) \_\_\_\_\_ (4) \_\_\_\_\_ (5) \_\_\_\_\_  
 DATE TIME DATE TIME DATE TIME

**Description:** Age \_\_\_\_\_ Sex \_\_\_\_\_ Race \_\_\_\_\_ Height \_\_\_\_\_ Weight \_\_\_\_\_ Hair \_\_\_\_\_ Beard \_\_\_\_\_ Glasses \_\_\_\_\_

Daphne Henderson  
 SIGNATURE OF PROCESS SERVER

SUBSCRIBED AND SWORN to before me this 31 day of August, 2006



Benjamin J. Royer  
 Notary Public, State of Ohio  
 My Commission Expires 08/21/2010

[Signature]  
 SIGNATURE OF NOTARY PUBLIC  
 NOTARY PUBLIC for the state of Ohio

**CERTIFICATE OF SERVICE**

I hereby certify that on September 1, 2006, I electronically filed a true and correct copy of foregoing Subpoena Return of Service with the Clerk of the Court using CM/ECF, which will send notification that such filing is available for viewing and downloading to the following counsel of record:

Lori A. Brewington, Esquire  
Margolis Edelstein  
1509 Gilpin Avenue  
Wilmington, DE 19806

YOUNG CONAWAY STARGATT & TAYLOR, LLP

/s/ Margaret M. DiBianca

Sheldon N. Sandler, Esquire (No. 245)  
Margaret M. DiBianca, Esquire (No. 4539)  
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Wilmington, Delaware 19899-0391  
Telephone: (302) 571-5008  
Facsimile: (302) 576-3476  
Email: mdibianca@ycst.com  
Attorneys for Defendant

Dated: September 1, 2006